IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

WP(C).No. 29689 of 2006(H)

PETITIONER:

MAVELIKKARA K.S.R.T.C. EMPLOYEES
CO-OPERATIVE SOCIETY LTD. NO.A-721,
REGIONAL WORKSHOP, MAVELIKKARA,
REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.M.SASINDRAN
SRI.TOJAN J. VATHIKULAM

RESPONDENTS:
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1. THE KERALA STATE ROAD TRANSPORT CORPN.,
REPRESENTED BY ITS MANAGING DIRECTOR,
THIRUVANANTHAPURAM.

2. THE WORKS MANAGER,
K.S.R.T.C. REGIONAL DEPOT.,
MAVELIKKARA, ALAPPUZHA.

3. R.RAMACHANDRAN NAIR,
UPHOLSTERER, (RETIRED), KSRTC REGIONAL WORKSHOP,
MAVELIKKARA, ALAPPUZHA.

BY ADV. SRI.K.PRABHAKARAN, SC, K.S.R.T.C. FOR R1 & R2
SRI.ANANDARAJAN.N FOR R3
SRI.K.K.MANGALANANDAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 29689 of 2006

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT.P1: TRUE COPY OF THE LOAN APPLICATION DATED 4-5-1998 SUBMITTED BY THE 3RD RESPONDENT.

EXHIBIT.P2: TRUE COPY OF THE VOUCHER DATED 28-5-1998

EXHIBIT.P3: TRUE COPY OF THE AGREEMENT DATED 4-5-1998

EXHIBIT.P4: TRUE COPY OF THE REQUEST DATED 29-4-2004

EXHIBIT.P5: TRUE COPY OF THE CERTIFICATE ISSUED BY THE 2ND RESPONDENT DATED 25-10-2006

RESPONDENTS EXHIBITS:

EXHIBIT.R1(a): TRUE COPY OF THE LETTER NO.E1.1538/02.RWMVKA DATED 22.11.2006

K.PADMANABHAN NAIR, J.

W.P. (C) No. 29689 OF 2006

Dated this the 13th day of February, 2007

J U D G M E N T

The society who advanced a loan to the 3rd respondent is the petitioner. The respondent was an employee of the respondents 1 and 2. He availed a loan from the Bank. According to the Bank, an amount of Rs.64,500/- is still due to it. The Bank has filed this writ petition for direction to respondents 1 and 2 to release the amount to him. He has filed this writ petition for a direction to respondents 1 and 2 not to recover an amount of Rs.64,500/- from the retiral benefits due to him. Respondents 1 and 2 filed a counter affidavit contending that the 3rd respondent has not given any application claiming concession in deducting any amount due to the Bank from his salary. It is submitted that the 3rd respondent retired from service on 31.3.2003. But it is submitted that the retiral benefits of the employee is yet to be released to him and that is being released on a

phased manner as directed by this court.

2. The 3rd respondent has filed a counter affidavit contending that the amount claimed is not correct and excessive. It is also contended that he will be able to pay the amount due to the Bank only in case the entire retiral benefits are released to him. Further it was contended that the Bank is not entitled to make any recovery from the retiral benefits due to him and the bank is not entitled to recover any amount from the retiral benefits after 4 years after the retirement in view of the proviso contained in Note 3 to Rule 3 of Part III K.S.R. It is also contended that the amount claimed is excessive. It is further contended that there is a provision for One Time Settlement, but the 3rd respondent has no case that he ever approached the Bank claiming any such benefits. I do not think it is proper and just to deny the benefit of One Time Settlement to him. It is open to the petitioner to approach the petitioner bank requesting to issue him a statement of accounts. It is also open to him to file a petition before the petitioner Bank claiming the benefit of

One Time Settlement Scheme. In case the petitioner files an application within three weeks from today and deposits 1/10th of the amount, the Bank shall consider the request of the petitioner for One Time Settlement and take a decision in the matter.

3. It is submitted by the counsel for the petitioner that as per the directions of this court, the K.S.R.T.C ought to have released the balance amount to him. Any amount in excess of Rs. 64,500/- shall be released to the petitioner. In case the benefits of One Time Settlement Scheme is given to the petitioner the entire amount shall be released to the petitioner.

The writ petition is disposed of as above.

(K.PADMANABHAN NAIR, JUDGE)

mma/

KURIAN JOSEPH, J.

OP No.

JUDGMENT

13th March, 2006